

MINUTES OF A REGULAR MEETING OF THE RESOURCE CONSERVATION COMMISSION

February 2, 2004

Ken Lee Building Conference Room
430 "F" Street

MEETING CALLED TO ORDER by Chair Teresa Thomas at 6:00 p.m.

ROLL CALL/MOTION TO EXCUSE

MSC (Reid/Jasek) to excuse Commissioner Pamela Bensoussan. **Vote:** (6-0)

MEMBERS PRESENT: Chair Teresa Thomas, Vice-Chair Doug Reid, Commissioners Stanley Jasek, Juan Diaz, John Chávez and Tracy Means

STAFF PRESENT: Paul Hellman, Environmental Projects Manager
Patricia Ferman, Landscape Planner I
Linda Bond, Recording Secretary

OTHERS PRESENT: Katherine Hon, Hon Consulting, Inc.

APPROVAL OF MINUTES: September 15, 2003 and January 5, 2004

September 15, 2003 Minutes

Chair Thomas questioned why staff responses were not included in the verbatim 'Commission Comments' portion of the Draft EIR-04-01 item. Ms. Linda Bond (*Recording Secretary*) indicated that she had been instructed not to include staff responses because the Commission comments are formally responded to in the Final EIR. Mr. Paul Hellman (*Environmental Projects Manager*) stated that the RCC comments were recorded verbatim as formal comments on the Draft EIR, and that staff has included responses in the Final EIR to each of the comments.

Chair Thomas requested that staff responses be included in the minutes. Mr. Hellman suggested adding a footnote stating that staff responses during the meeting are not included in the minutes. Vice-Chair Reid suggested expanding on that footnote by referencing the Final EIR for staff responses to the comments.

MSC (Jasek/Reid) that the minutes include the statement that they reflect the RCC comments on Draft EIR-04-01, and that staff responses are not included in the minutes. The minutes should reflect that staff responses are contained in Final EIR-04-01. **Vote:** (5-0-1-1) with Means abstaining and Bensoussan absent.

Chair Thomas requested that numerous revisions be made to Item #1 under 'Commission Comments'. Mr. Hellman cautioned her because he believed that the EIR had been finalized and distributed and that it includes the RCCs comments as they appear in the minutes.

MSC (Chávez/Thomas) to approve the corrected minutes. **Vote:** (5-0-1-1) with Means abstaining and Bensoussan absent.

January 5, 2004 Minutes

MSC (Reid/Jasek) to adopt the minutes. **Vote:** (5-0-1-1) with Thomas abstaining and Bensoussan absent.

ORAL COMMUNICATIONS: None.

NEW BUSINESS**1. IS-04-011 – Oxford Street Neighborhood Park, 690 Oxford Street**

Ms. Patricia Ferman (*Landscape Planner I*) reported that the 5.21-acre project site is located north of Oxford Street, south of Harborside Elementary School, east of Industrial Boulevard and west of Broadway. She described the design of the park.

Commission Comments

Chair Thomas felt that two handicap parking spaces were not adequate. Ms. Ferman indicated that two spaces meet the requirement. Chair Thomas thought a second restroom should be provided. Ms. Ferman stated that the size of the park does not require two restrooms.

Ms. Katherine Hon (*Hon Consulting, Inc., 2226 Dwight Street, San Diego, CA 92104*) presented the Initial Study. She reported that three environmental impacts were identified that require mitigation: a) air quality during construction only, b) hazards and hazardous materials, and c) noise during construction only.

Commission Comments

Commissioner Chávez asked how close the nearest classrooms were from the park. Ms. Ferman indicated that they were within 400 feet.

Commissioner Chávez was surprised that skateboard noise had not been addressed. He strongly suggested taking a look at skateboard noise and to consider locating the skateboard area further south, away from the school. Ms. Ferman indicated that the proposed skateboard play area would be designed for beginners up to 14 years old. Commissioner Chávez stated that he did not know how the age of users could be regulated. He was strongly in favor of having a skateboard area, but expressed concern about potential noise impacts.

Commissioner Means was concerned about the adequacy of proposed parking. Ms. Ferman stated that this is a neighborhood park meant for people to walk to and that park space would be lost if more parking spaces were provided. Commissioner Jasek pointed out that ample parking is available in the immediate vicinity.

MS (Diaz/Thomas) that the Initial Study is adequate and to recommend the Mitigated Negative Declaration be adopted.

Discussion

Commissioner Jasek did not think the 500-foot radius noticing of the document was sufficient in this case because the homes along Naples Street are beyond 500 feet. Commissioner Jasek stated that construction could possibly take place while the school was not in session in order to avoid noise impacts to the school. He also expressed that there does not appear to be any of the air quality mitigation measures that are typically included in the environmental documents that the RCC reviews.

Chair Thomas stated that the City needs a more effective and timely communication system assuring that mitigation monitoring is being carried out as promised.

Vice-Chair Reid stated that monitoring procedures and how the City currently implements them would be a good topic for a future RCC workshop.

Chair Thomas noted that the mitigation measures for hazardous materials were too vague. She would like added to Mitigation Measure #7: "...to remove potential biological or other hazardous materials". Mr. Hellman stated that, because a specific type of hazard had not been identified yet, any hazardous materials encountered during construction would need to be evaluated by a qualified consultant to determine the appropriate handling of such materials. He suggested adding "...according to applicable laws and regulations" at the end of Mitigation Measure #7.

Chair Thomas agreed and stated that she would also like to add "...and the consultant will handle accordingly to effect the remediation that would be confined to environmental health and public safety" at the end of Mitigation Measure #8. Mr. Hellman suggested that the measure reflect that remediation be required as necessary according to applicable environmental health and public safety laws and regulations. Chair Thomas agreed.

Chair Thomas stated that she would like to include these revisions to Mitigation Measures #7 and #8 in the motion with the approval of the maker of the motion. Commissioner Diaz agreed.

Commissioner Chávez asked for an informal show of hands of those in favor of continuing the item so that staff could address his concerns regarding skateboard noise impacts to the school. Mr. Hellman stated that the RCC could either vote on the current motion or withdraw it. Commissioner Chávez called the question.

Revised motion with consensus of the second:

MSC (Diaz/Thomas) that the Initial Study is adequate and to recommend the Mitigated Negative Declaration be adopted as amended.

- Add: "...according to applicable laws and regulations" at the end of Mitigation Measure #7.
- Revise the end of Mitigation Measure #8 to state: "...the materials shall be sampled and disposed of or remitigated according to applicable environmental health and public safety laws and regulations."

Vote: (4-2-0-1) with Chávez and Reid opposed and Bensoussan absent.

Vice-Chair Reid stated that he opposed the motion because he did not think the analysis regarding the noise impacts from this facility was adequate.

Secondary Motion

MSC (Chávez/Reid) that as this project goes forward to Council that the concerns with respect to potential noise impacts to the elementary school from the skateboard play area be addressed. **Vote:** (6-0-0-1) with Bensoussan absent.

2. Proposed Revisions to the Environmental Review Procedures of the City of Chula Vista

Mr. Hellman stated that the existing procedures were adopted by the City Council by Resolution in 1974, and that the Environmental Review Coordinator has periodically reviewed the procedures and has recommended necessary or desirable revisions to the City Council for their consideration. The proposed revisions would streamline and standardize the public review period, achieve greater long-term consistency with CEQA and eliminate an inefficient use of resources. Mr. Hellman gave a PowerPoint presentation outlining the proposed revisions to the procedures.

Commission Comments

Commissioner Chávez asked about the public hearing process for EIRs with the proposed revisions. Mr. Hellman stated that the EIR would be considered by all bodies with recommending or decision-making authority for a particular project and that the only public hearing that would be eliminated would be the public hearing to close the public review period.

Commissioner Chávez asked if all the hearings constitute public hearings? Mr. Hellman responded in the affirmative. Commissioner Chávez's concern was that public input not be reduced for major projects. Mr. Hellman indicated that, based on experience, the public hearings to close the public review for EIRs have not generated much input. He further stated that the Planning Commission has recommended approval and did not express any concerns about this change.

Vice-Chair Reid stated that the purpose of the hearing before the Planning Commission was to provide an opportunity for the public to provide oral comments on the draft EIR, not the final EIR. His only objection to eliminating that hearing was that it would cause confusion. Mr. Hellman indicated that only written comments would be accepted, which has been found to be a much more efficient way to receive and formally respond to input on the adequacy of draft EIRs.

Chair Thomas asked when this item was scheduled to be considered by the City Council. Mr. Hellman stated that it is on the Council's February 17, 2004 docket.

Commissioner Chávez stated that, if he understood what the public input process was, and if he understood that the proposed revisions would not inhibit that process, then he would reconsider his position. Mr. Hellman stated that staff could bring this item back to the next meeting because staff does not want to present it to Council without a recommendation from the RCC.

MSC (Chávez/Thomas) to continue this item to the RCC meeting of February 16, 2004.

Discussion

Mr. Hellman asked the Commissioners to elaborate on what information they would like staff to provide at the next meeting.

Commissioner Chávez stated that some of the assumptions, for example, page 3: "Typically, only very limited public testimony...", which he had already commented on. "...on the adequacy of draft EIRs has been provided during hearings to close public review, and in light of the requirement under CEQA for lead agencies to hold scoping meetings...", "...this requirement is duplicative in many instances". A scoping meeting is a lot different than some of the other EIR public hearings. He did not buy the rationale that was used there.

Chair Thomas asked that a flowchart describing the EIR process be prepared so that the RCC could better understand the entire process and the opportunities for public input.

Vote: (6-0-0-1) with Bensoussan absent.

ENVIRONMENTAL REVIEW COORDINATOR COMMENTS: None.

CHAIR COMMENTS: Chair Thomas asked that the criteria for Environmentalist and Historic Preservationist of the Year be included on the next agenda. She asked that the Commissioners think about recommendations.

COMMISSIONER COMMENTS: None.

ADJOURNMENT: Chair Thomas adjourned the meeting at 8:37 p.m. to a regular meeting on Monday, February 16, 2004, at 6:00 p.m. in the Ken Lee Building Conference Room, 430 "F" Street, Chula Vista, CA 91910.

Prepared by:

Linda Bond, Recording Secretary